

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOHN V. FERRIS and JOANN M. FERRIS,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

WYNN RESORTS LIMITED, et al.,

Defendants.

Case No. 2:18-CV-00479-APG-BNW

JOINT STIPULATION AND [PROPOSED]
ORDER APPOINTING SPECIAL MASTER

1 The Parties, through their respective counsel of record, hereby stipulate and agree as
2 follows, subject to the approval of the Court:

3 **Appointment of the Special Master**

4 Pursuant to Federal Rule of Civil Procedure 53(a)(1)(A) and (a)(1)(C), The Court appoints
5 the Honorable Jay Young (ret.) as Special Master, until further order of this Court. The Special
6 Master has submitted with this proposed order an affidavit disclosing whether there are any
7 grounds for his disqualification under 28 U.S.C. § 455. *See* Fed. R. Civ. P. 53(a)(2) and (b)(3).
8 The Special Master's appointment is effective immediately.

9 **The Special Master's Duties, Authority, and Compensation**

10 1. The Special Master is directed to "proceed with all reasonable diligence" in the
11 performance of his duties. Fed. R. Civ. P. 53(b)(2). The Special Master is appointed to resolve
12 discovery disputes between the Parties related to the Company Defendants' privilege log (the
13 "Privilege Log Disputes"). The Court reserves the right to expand the scope of the special master's
14 appointment to other discovery motions and/or disputes.

15 2. In furtherance of his duties, the Special Master may communicate *ex parte* with the
16 Court on any matter. The Special Master may not communicate *ex parte* with the parties (except
17 to arrange scheduling matters) without notice to, and receiving consent from, all parties. Any party
18 may communicate with the Special Masters by email if, when doing so, the party includes all
19 counsel of record on such communication.

20 3. During the pendency of these proceedings, the Special Masters and the parties shall
21 notify this Court immediately if they become aware of any potential grounds that would require
22 disqualification under 28 U.S.C. § 455.

23 4. The Special Master shall preserve, as a record of his activities, all written
24 submissions received from the parties, all written submissions sent to the parties and any
25 transcripts of hearings before the Special Master pursuant to Fed. R. Civ. P. 53(b)(2)(C). The
26 Special Master shall file with the Clerk of Court such records upon the request of any party or the
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1 Court. The Special Master shall also file any order, report, or recommendation with the Court
2 pursuant to Fed. R. Civ. P. 53(d).

3 5. A party may file objections to—or a motion to adopt or modify—the Special
4 Master’s order, report, or recommendation no later than ten (10) days from the time that order,
5 report, or recommendation is served on all of the parties. The party filing such objection or motion
6 must also file the relevant record.

7 6. Any order, report or recommendation of the Special Master on non-dispositive
8 motions, unless it involves a finding of fact or conclusion of law, will be deemed a ruling on a
9 procedural matter. The Court will set aside a ruling on a procedural matter only where it is clearly
10 erroneous or contrary to law. *See* 28 U.S.C. § 636.

11 7. Barring a stipulation of the parties with the Court’s consent setting some other
12 standard of review, *see* Fed. R. Civ. P. 53(f)(3), the Court will decide *de novo* all objections to
13 findings of fact or conclusions of law made or recommended by the Special Master.

14 8. The Special Master’s compensation, as well as any costs and expenses, will be paid
15 50% by Plaintiffs (collectively) and 50% by Defendants (collectively), subject to any modification
16 pursuant to Fed. R. Civ. P. 53(g). The Special Master shall be compensated at a rate of \$625 per
17 hour. If the Special Master finds that he needs the assistance of any paralegal or lawyer, that
18 expense shall be billed by the Special Master at the ordinary rate for those people.

19 9. The Special Master is hereby authorized to receive and consider information and
20 documents designated “CONFIDENTIAL” or “RESTRICTED – ATTORNEYS’ EYES ONLY”
21 pursuant to the Parties’ Stipulated Protective Order (ECF 192). The Special Master agrees to be
22 bound by the Parties’ Stipulated Protective Order. The Special Master shall not file any material
23 designated as “CONFIDENTIAL” or “RESTRICTED – ATTORNEYS’ EYES ONLY” publicly
24 with the Court without affording the designating party an opportunity to protect the information
25 under the Local Rules of the Court and the Parties’ Stipulated Protective Order.

26 10. Finally, this Order may be amended at any time upon notice to the parties, and an
27 opportunity to be heard.

1 DATED: June 20, 2024

KIRKLAND & ELLIS LLP

3 /s/ Mark S. Holscher

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14 DATED: June 20, 2024

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22 DATED: June 20, 2024

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Lead Counsel for Class Representatives

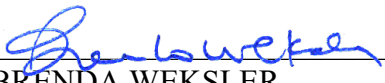
DATED: June 20, 2024

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Additional Counsel for Class Representatives

1 **IT IS SO ORDERED.**

2 Dated: June 21, 2024
3 Las Vegas, Nevada


4 BREND A WEKSLER
5 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

On June 20, 2024, I served the foregoing document on all parties appearing in this case when filing said document through the Court's PACER system with automatic e-service on all persons who have registered for e-service on PACER for this case.

/s/ Laura Bay
An employee of KIRKLAND & ELLIS LLP